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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,168	12/01/2003	David Bentley Craig	USAA-0088/US-0016.01	8161
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EXAMINER WONG, ERIC TAK WAI				
ART UNIT		PAPER NUMBER		
3693				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/725,168

Applicant(s)

CRAIG ET AL.

Examiner

ERIC WONG

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
4a) Of the above claim(s) 11-23 and 31-43 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-10 and 24-30 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 01 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

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DETAILED ACTION

1. Election was made to Group I, consisting of claims 1-10 and 24-30, **without** traverse in the reply filed on 1/24/2008. The following is a non-final first Office action on the merits of claims 1-10 and 24-30. Claims 11-18, 31-38, 19-23, and 39-43 withdrawn from further consideration as being drawn to nonelected inventions.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Examiner's note: Examiner has pointed out particular references contained in the prior art of record in the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the **entire** reference as potentially teaching all or part of the claimed invention, as well as the content of the passage as taught by the prior art or disclosed by the Examiner.

2. Claims 1-8 and 24-30 rejected under 35 U.S.C. 103(a) as being unpatentable over Parker (US Patent No. 4,958,368) in view of Rousseau et al. (US Patent Application Publication No. US 2003/0040997 A1).

3. Regarding claim 1, Parker teaches a method of processing information comprising the steps of: receiving information; determining the availability of a system for processing said information; storing an electronic record in a temporary repository if said system is unavailable; and providing access to said electronic record (see column 7 lines 54-63). Parker does not expressly teach determining an available number and associating said information with said number. Rousseau et al. teaches this feature (see [0055]). It would have been obvious to one

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of ordinary skill in the art at the time of invention to have modified the invention with said feature. One skilled in the art would have been motivated to make the modification to avoid duplicate account numbers.

4. Regarding claim 2, Parker further teaches wherein said information comprises personal information relating to a consumer, said system comprising an online account management system (see column 7 lines 54-63). Parker does not expressly teach said electronic record comprising an electronic account relating to said consumer. Rousseau et al. teaches creating an electronic record comprising an electronic account relating to a consumer. It would have been obvious to one of ordinary skill in the art at the time of invention to have combined the queue feature of Parker to the creating an electronic record comprising an electronic account relating to a consumer feature of Rousseau et al. One skilled in the art would have been motivated to make such modification for the benefit of reducing downtime.

5 Regarding claim 3, Rousseau et al. teaches wherein said available number is calculated through application of a computer algorithm matching that utilized by said system (see [0055]) when said system is available. Examiner notes the reference as teaching a method invocation (RMI) call, which is equivalent to using the same computer algorithm by the host system. It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention with said feature. One skilled in the art would have been motivated to make the modification to avoid duplicate account numbers.

6. Regarding claim 4, Parker further teaches wherein said temporary repository comprises a queue (see column 7 lines 54-63). Parker does not expressly teach using the queue for new

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accounts. Rousseau et al. teaches creating an electronic record comprising an electronic account relating to a consumer. It would have been obvious to one of ordinary skill in the art at the time of invention to have combined the queue feature of Parker to the creating an electronic record comprising an electronic account relating to a consumer feature of Rousseau et al. One skilled in the art would have been motivated to make such modification for the benefit of reducing downtime.

7. Regarding claim 5, Rousseau et al. teaches wherein said electronic account is extracted from an inventory of blank electronic accounts. Examiner notes only using available account numbers is equivalent to extracting from an inventory of blank electronic accounts. One skilled in the art would have been motivated to make the modification to avoid duplicate use of the account number.

8. Regarding claim 6, Parker further teaches wherein said method further comprises the additional steps of: receiving transaction instructions from said consumer relating to said electronic account; utilizing said electronic account, executing said transaction instructions; and creating a log of executed transactions associated with said electronic account (see column 7 lines 54-63).

9. Regarding claim 7, Parker further teaches upon availability of said system, retrieving the information from said temporary repository and copying said log of executed transactions associated with said account to a storage device coupled to said system (see column 7 lines 54-63).

10. Regarding claim 8, Parker further teaches wherein said online account management system is selected from the group consisting of a brokerage management system, a mutual fund management system, an annuity management system, a financial account processing system, a mutual fund wrap management system, a separate managed account system, a deposit account management system, and a loan account management system (see abstract).

11. Regarding claim 24, the claim is drawn to a computer system for processing information which performs the method of claim 1. Therefore, the claim is rejected for the same reasons as claim 1.

12. Regarding claim 25, the claim is drawn to a computer system for processing information which performs the method of claim 2. Therefore, the claim is rejected for the same reasons as claim 2.

13. Regarding claim 26, the claim is drawn to a computer system for processing information which performs the method of claim 4. Therefore, the claim is rejected for the same reasons as claim 4.

14. Regarding claim 27, the claim is drawn to a computer system for processing information which performs the method of claim 5. Therefore, the claim is rejected for the same reasons as claim 5.

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15. Regarding claim 28, the claim is drawn to a computer system for processing information which performs the method of claim 6. Therefore, the claim is rejected for the same reasons as claim 6.

16. Regarding claim 29, the claim is drawn to a computer system for processing information which performs the method of claim 7. Therefore, the claim is rejected for the same reasons as claim 7.

17. Regarding claim 30, the claim is drawn to a computer system for processing information which performs the method of claim 8. Therefore, the claim is rejected for the same reasons as claim 8.

18. Claims 9 and 10 rejected under 35 U.S.C. 103(a) as being unpatentable over Parker in view of Rousseau et al, further in view of Official Notice.

19. Regarding claim 9, the references applied to claim 7 do not expressly teach wherein said method further comprises the additional step of: providing counting means for recording the number of accounts created during system unavailability. Official Notice is taken that it would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention to include said feature(s). Keeping track of how many items are in a queue is old and well known in the art. One skilled in the art would have been motivated to make the modification because it is useful to know how many items there are to process (eg. using a counter in a loop in programming).

20. Regarding claim 10, wherein said method further comprises the additional step of: resetting said counting means upon system availability. Official Notice is taken that it would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention to include said feature(s). Resetting the queue size when a queue is processed is old and well-known in the art. One skilled in the art would have been motivated to make the modification because it is useful to know how many items there are to process (eg. using a counter in a loop in programming).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIC WONG whose telephone number is (571)270-3405. The examiner can normally be reached on Monday-Friday 9:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James A. Kramer/
Supervisory Patent Examiner, Art Unit 3693

Eric Wong
Examiner
Art Unit 3693

Feb 2008